

DEC 30 2014

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REPLY TO Spokane

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
PROBATION OFFICE

December 29, 2014

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The Honorable Wm. Fremming Nielsen
 Senior U.S. District Court Judge
 Thomas S. Foley U.S. Courthouse
 920 W. Riverside
 Spokane, Washington, 99210

RECEIVED
 U.S. DISTRICT COURT

DEC 29 2014

WM. FREMMING NIELSEN
 DISTRICT JUDGE

RE: MAGANA, Peter Michael
Docket No.: 2:12CR00016-WFN-4
Request to Modify Pretrial Release Conditions

Dear Judge Nielsen:

On February 10, 2012, Peter Michael Magana appeared before the Honorable Cynthia Imbrogno, U.S. Magistrate Judge, in the Eastern District of Washington after his arrest on a warrant issued in the instant federal matter. Mr. Magana was detained at that time pending a bail hearing.

On February 15, 2012, Mr. Magana appeared before the Court for the purposes of a detention hearing. He was ordered to remain in custody pending further order of the Court.

On May 10, 2012, Mr. Magana appeared before Your Honor and entered a plea of guilty on count 1 of the indictment. Sentencing has been postponed pending resolution of the codefendants' cases.

On June 11, 2012, Mr. Magana appeared before U.S. Magistrate Judge Imbrogno for the purposes of a detention review hearing. The Court ordered Mr. Magana be released from custody under conditions of pretrial supervision. Since his release from custody in June 2012, Mr. Magana has resided with his parents in the State of California under the supervision of the U.S. Pretrial Services Office.

The purpose of this letter is to request modification of Mr. Magana's conditions of pretrial release supervision.

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According to the U.S. Pretrial Services Office in the Eastern District of California, Mr. Magana has attended substance abuse treatment classes, has regularly tested negative for the presence of controlled substances, and has been responsive in communicating with his supervising officer. Additionally, Mr. Magana has maintained gainful employment as a lead vacuum sales representative. He is also searching for employment that would provide him with a more stable work schedule that would allow him to enroll into college courses in Spring 2015.

At the time of Mr. Magana's release, the Court ordered he reside with his father in the Eastern District of California. Due to some life events related to his father, Mr. Magana has been allowed to reside with his mother in the Eastern District of California since February 14, 2013. The U.S. Pretrial Services Office in the Eastern District of California has communicated with Mr. Magana's mother, who has described the defendant as being respectful and responsible.

Mr. Magana is currently in a relationship with Michelle Bejarano. Ms. Bejarano has a child from a previous relationship, in which Mr. Magana has taken a fatherly role with the aforementioned child. Ms. Bejarano reportedly has no criminal history, is gainfully employed, and regularly provides transportation for Mr. Magana. The couple would likely rent an apartment in Bakersfield, California. The U.S. Pretrial Services Office in the Eastern District of California has requested that Mr. Magana's conditions be modified to allow him the opportunity to reside with Ms. Bejarano and her child.

In addition, the U.S. Pretrial Services Office in the Eastern District of California has requested that Mr. Magana's home detention be removed from his release conditions. Since his release from custody, Mr. Magana's home detention has not been enforced by electronic monitoring. Due to the lack of electronic monitoring, Mr. Magana is essentially on the "honor system" when dealing with compliance issues related to his home detention. The U.S. Pretrial Services officer assigned to supervise Mr. Magana has contacted his mother who has assured that Mr. Magana has maintained compliance with his conditions of supervision.

This officer has briefly discussed these modification requests with the assistant U.S. Attorney (AUSA). The AUSA is not opposed to the aforementioned modifications. Based on the information contained in this report, this officer is not opposed to the above-noted modifications.

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Should the Court have any further questions, please contact the undersigned officer.

Sincerely,

s/Erik Carlson 12/29/2014
Erik Carlson Date
U.S. Probation Officer

THE COURT ORDERS

[] No Action
[X] The Modification of Conditions as Noted Above
[] Other


Signature of Judicial Officer
12/30/14
Date